

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

EDDIE LEE RADFORD,

Plaintiff,

No. CIV S-04-1679 MCE KJM P

vs.

T. FELKER, et al.,

Defendants.

ORDER

Plaintiff has requested an extension of the time to file an amended complaint provided in the court's order of May 12, 2005. Good cause appearing, plaintiff's request for an extension will be granted.

Plaintiff also has requested the appointment of counsel. The United States Supreme Court has ruled that district courts lack authority to require counsel to represent indigent prisoners in § 1983 cases. Mallard v. United States Dist. Court, 490 U.S. 296, 298 (1989). In certain exceptional circumstances, the court may request the voluntary assistance of counsel pursuant to 28 U.S.C. § 1915(e)(1). Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991); Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990). In the present case, the court does not find the required exceptional circumstances. Plaintiff's request for the appointment of counsel therefore will be denied.

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's May 25, 2005 motion for an extension of time is granted;

2. Plaintiff is granted thirty days from the date of this order in which to file an amended complaint; and

3. Plaintiff's May 25, 2005 request for the appointment of counsel is denied.

DATED: June 2, 2005.

  
UNITED STATES MAGISTRATE JUDGE

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